Clerk of the Superior Court
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Attorney for Shawn T. Freeman

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
**IN AND FOR THE COUNTY OF MARICOPA**

| | |
|---|---|
| IN RE THE MATTER OF:<br><br>SHAWN T. FREEMAN,<br><br>Petitioner,<br><br>and<br><br>ERIN ANNA GERLACH (fka ERIN ANNA PONDO),<br><br>Respondent. | Case No. FC2022-094055<br><br>**VERIFIED PETITION TO ESTABLISH PATERNITY, LEGAL DECISION MAKING, PARENTING TIME, AND CHILD SUPPORT** |

**Petitioner, SHAWN T. FREEMAN ("Father"),** by and through undersigned counsel, pursuant to A.R.S. §§§ 25-403, 25-408, and 25-803, and for his *Petition to Establish Paternity, Legal Decision Making, Parenting Time, and Child Support* alleges as follows:

1. Petitioner's full name is **SHAWN T. FREEMAN,** his current address is 128 W. Campbell Court, Gilbert, Arizona, 85233. Father's date of birth is December 4, 1984. Father is currently employed with the City of Mesa as police officer.

2. Respondent's full name is **ERIN ANNA GERLACH**, her current address is unknown but her last known address is 128 W. Campbell Court, Gilbert, Arizona, 85233. Mother's date of birth is October 14, 1988. Mother's employment status is unknown.

3. Petitioner/Father, pursuant to A.R.S. § 25-803(A)(2), is entitled to bring this action to establish Paternity, Legal Decision Making, Parenting Time, and Child Support. The Court may determine legal decision making and parenting time in accordance with A.R.S. § 25-403 and A.R.S. § 25-408.

4. The Superior Court of Arizona has original jurisdiction in this proceeding as a Paternity/Civil action and venue is appropriate because Father and/or the minor child of this action reside in this County.

5. There is one (1) minor child natural and common to the parties, namely **Brooklyn Jordan Freeman**, born February 12, 2018.

6. Father and Mother engaged in consensual sexual intercourse during the period of conception of the minor child. Father is listed as biological father on each child's birth certificate attached hereto as **Exhibit A**.

7. Arizona is the "Home State" of the minor child, as defined in the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) and this Court has jurisdiction to determine custody of the minor child. The minor child has lived in Arizona with either Mother or Father since birth. No other state has exercised or made an initial child custody determination.

11. In the last four (4) years, the minor child has resided with Petitioner and Respondent at the following addresses:

**Father and Mother:**

1264 W. Desert Hollow Drive, San Tan Valley, Arizona 85143 (February 2018-April 2021)

**Father and Mother:**

128 W. Campbell Court, Gilbert, Arizona, 85233 (April 2021-present)

12. Father is the natural or adoptive parent of **Brooklyn Jordan Freeman**, and Father has a duty to support the child pursuant to A.R.S. § 25-501.

13. Mother is the natural or adoptive parent of **Brooklyn Jordan Freeman**, and Mother has a duty to support the child pursuant to A.R.S. § 25-501.

14. Father does not have any information regarding any other legal decision making or parenting time court proceedings relating to the minor child of the parties named above that is *currently pending*.

15. Father does not know of any other person other than Mother and Father who has physical custody or claims custody or visitation rights to the minor child named above.

16. The parties should be ordered to apportion and divide between themselves any uninsured medical, dental, vision or healthcare expenses reasonably incurred for the minor child in proportion to their respective incomes.

17. Father is unaware if Mother has been convicted of a drug offenses or driving under the influence of drugs or alcohol in the last twelve months.

18. The parties' romantic relationship was tumultuous and ended on July 29, 2022. Father acknowledges the parties engaged in heated verbal discussions. On occasion, while using his training as a law enforcement officer, would deescalate argument by physically assisting Mother so that he could exit the room or residence (i.e., moved Mother from blocking exits or barricading Father in a room/residence). In stark contrast, Mother has a significant history of physically attacking Father or becoming overly violent as outlined below.

19. Mother suffers from an array of medical issues that require significant intervention and oversight. Based on information and belief, Mother went to California

for medical treatment on August 6, 2022 (specifically, brain surgery on August 16, 2022). Mother took the minor child with her with the understanding that the trip to California was temporary in nature.

20. On August 8, 2022 Mother told Father she indeed to "start over" in California with the parties' minor child. Father objected to Mother's plan to and insisted that Mother return the minor child to Arizona.

22. Also on August 8, 2022, Mother sent Father a salacious message about her sexual activities with her new, current significant other. Recently, Mother advised Father of her upcoming marriage to her current significant other—less than eight (8) weeks after the parties terminated their relationship. Over Labor Day Weekend, Mother informed Father that the wedding was called off.

23. Prior to August 16, 2022, as Mother's first surgical procedure approached, Mother told Father that she going to return to Arizona to look for homes and attend a medical appointment in the Valley.

24. Prior to August 20, 2022, Father informed Mother of his intention to come to California and visit the minor child. Initially, Mother did not object to Father's proposal.

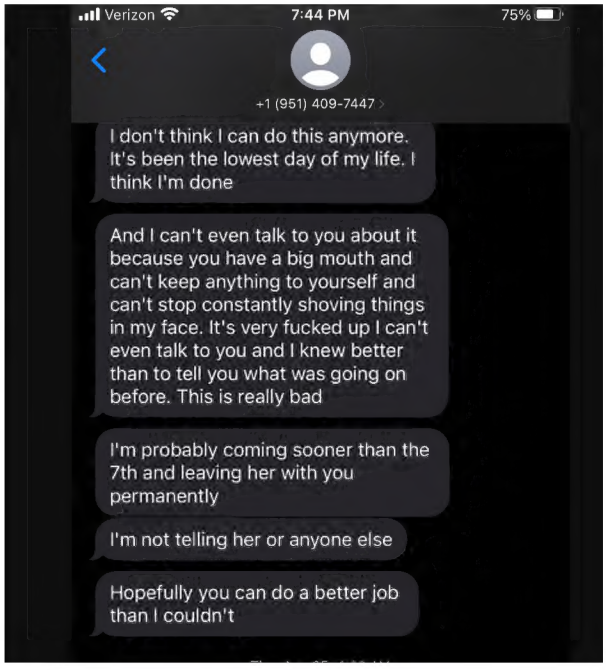
25. On August 20, 2022, Mother permitted the minor child to call Father. During the course of the call, Mother interrupted Father's telephonic access with the minor child. Father disengaged from the high conflict situation and terminated the call. Mother proceeded to repeatedly call. Father eventually answered Mother's call and quickly identified she was exhibiting manic behavior. Father asked Mother to take a stop repeatedly calling him and to take her medication in an effort to reduce the conflict. Mother continued to talk over Father. Paternal Uncle attempted to intervene but was

unable to resolve the conflict. Mother alleged that the minor child was present and overheard the argument and accused Father of scaring the child.

26. On August 21, 2022, while on duty, Father was in an officer involved shooting (OIS). Father promptly disclosed the incident to Mother via text. However, Father learned that Mother blocked his phone number, changed her number and emailed Father regarding the OIS after learning about the incident. Mother informed Father that if he traveled to California to see the minor child Mother would obtain and serve Father with an Order of Protection.

27. On the morning of August 24, 2022, Mother begins repeatedly texting Father. Mother informs Father that she is creating a fake instagram ("finsta") under Father's name and will release video recordings of Father until she successfully ruins Father's career and life. Father reported the incident to his employer (Mesa PD) and filed a Police Report with Gilbert Police Department (Report No. 22-85233, identity theft and harassment). Father obtained an Order of Protection against Mother on August 31, 2022 (*see FC2022-005502)*.

28. On the evening of August 24, 2022, at 8:35 p.m. Mother texted Father the following:


Verizon
7:44 PM
75%
+1 (951) 409-7447
I don't think I can do this anymore. It's been the lowest day of my life. I think I'm done
And I can't even talk to you about it because you have a big mouth and can't keep anything to yourself and can't stop constantly shoving things in my face. It's very fucked up I can't even talk to you and I knew better than to tell you what was going on before. This is really bad
I'm probably coming sooner than the 7th and leaving her with you permanently
I'm not telling her or anyone else
Hopefully you can do a better job than I couldn't

29. Following the birth of the parties' daughter, Mother began suffering from a myriad of medical issues (physically and mentally) that typically manifested in Mother becoming violent and either assaulting Father or destroying property.

a. In April 2018, Mother threatened to take the parties' daughter to California and deprive Father of ever seeing her again.

b. Following the birth of the child, Mother threatened to abandon the child or made non-specific suicidal ideations.

c. September 2018, Mother gives birth to stillborn child. Mother was hospitalized. Once discharged, Mother experienced significant challenges and became easily enraged. During the fits of rage, Mother would throw and break personal property without discretion or concern.

d. Thanksgiving 2018 Mother continued to be unable to manage her emotions and targeted the parties infant daughter. Following the incident, Father pushed for Mother to seek medical intervention.

e. Between December 2018 through December 2019, Mother continues to threaten to leave Arizona and take the child.

f. August 2019, Mother strikes Father across the face.

g. While over the Christmas holiday in California, Mother began strangling Father while he was holding the minor child. Mother's family intervened and called enforcement (Riverside Police Department). Father left mid-holiday and obtained an Order of Protection (J1109PO201900297) against Mother. The parties eventually reconciled once Mother and the child returned from California and the protective order was not served.

h. Between January 2020 and July 2022 Mother's erratic and violent behavior continued. Mother continues to threaten to runway with the child, to abandon the child and to make suicidal ideations.

i. In April 2020, Mother is diagnosed with Sheehan Syndrome but treatment and oversight is interrupted and delayed by the COVID19 pandemic.

j. July 2022, Mother is diagnosed with a tumor on her pituitary gland (later to be determined an inoperable cyst.

30. Mother's chronic, erratic and violent behavior is contrary to the minor child's best interests. Mother has exposed the minor child to repeated incidents of domestic violence. Mother's reckless actions instigation of high conflict disagreements, physically assaulting Father, damaging personal property and suicidal ideations places the parties' minor child in serious and potentially imminent risk to becoming a victim of domestic violence.

31. A.R.S. § 25-403.03 (B), entitled "Domestic Violence and Child Abuse" requites this Court to consider evidence of domestic violence as contrast to the best interests of the minor child. In Hurd v. Hurd, 223 Ariz. 48, 52, 213 P.3d. 683, 867 (App. 2009), the Court of Appeals affirmed the trial court's decision to award the mother sole legal custody due in part to the minor child witnessing incidents of domestic violence (committed by the father). Thus, a child's passive involvement, witnessing domestic violence, is contrary to their best interest.

32. Father is deeply concerned about Mother's ability to make appropriate, well-reasoned decisions that affect or involve the minor child. Mother's behavior has worsened significantly and has culminated into Mother impermissibly withholding the minor child from Father for the foreseeable future. Mother's physical health is requiring surgical intervention and high level care. Mother's mental health status is unknown but Father is concerned that Mother is not properly managing her mental health or compliant with recommended treatment to manage the same.

33. Father is a fit and proper parent to be awarded sole legal decision making and sole physical custody with regard to the minor child. Father is a well-respected member of the Mesa Police Department. In addition to serving on the elite SWAT unit, Father also serves as instructor in several training areas.

There are serious and legitimate concerns surrounding Mother's overall parental fitness as well as her ability to provide care and supervision for the minor child. Based on information and belief, Maternal Grandmother and Maternal Step Grandfather are caring for the minor child. This is inappropriate. If Mother is unable to care for the child then child should be placed in Father's care.

34. Mother is wholly unable to co-parent. Mother's refusal to allow Father to see or speak to the child is both legally unsupportable and unreasonable. Mother, by her own admission, is unable to care for the parties' minor child. Due to Mother's threatening, violent and abusive behavior towards Father there is a presumption against awarding joint legal decision making. A.R.S. § 25-403.03(D).

35. Mother should be ordered to complete parenting classes, domestic violence classes, and anger management classes. Likewise, Mother should submit to a comprehensive psychological evaluation to determine what legal decision making and parenting time orders are in the minor child's best interest.

36. Mother's parenting time should be suspended pending assessment of her fitness and ability to appropriately care and provide for the minor child. In the alternative, Mother's parenting time should be supervised at her sole expense, in Arizona.

**WHEREFORE,** Petitioner/Father requests that the Court enter an order for Respondent/Mother to appear and show cause why the following relief should not be granted:

1. That an Order of Paternity be entered establishing that Petitioner, **SHAWN T. FREEMAN,** is the natural and biological father of the minor child **BROOKLYN JORDAN FREEMAN**, born February 12, 2018.

2. Enter Orders requiring the minor child to be immediately returned to the State of Arizona, that she be placed in Father's custody, and the neither parent is permitted to remove the minor child from the state absent a Court Order or written agreement between the parties.

3. That the Court award Father sole legal decision making and designate Father as the minor child's primary residential parent.

4. Enter an order suspending Mother's parenting time pending assessment of her fitness and ability to appropriately care and provide for the minor child.

5. Enter an Order that Mother submit to a comprehensive psychological evaluation.

6. Enter an order for child support in accordance with the Arizona Child Support Guidelines, inclusive of the division of uncovered medical, dental, and vision expenses and allocation of the tax dependency exemption for the minor child in proportion to their respective incomes.

7. Enter an Order commanding the parties to use a co-parenting application with a strict communication protocol to promote the minor child's best interests.

8. Enter an Order awarding Father his reasonable costs and attorney's fees incurred in this matte due Mother's unreasonable positions, in accordance with A.R.S. §§ 25-324 and 25-809.

9. Any other relief the Court deems appropriate, just and equitable.

**RESPECTFULLY SUBMITTED** this 7th day of September, 2022.

/s/ Caitlin Andrade
Caitlin Andrade
Attorney for Petitioner

**ORIGINAL** of the foregoing filed
this same date with:

The Clerk of the Court
Maricopa County Superior Court

**COPIES** of the foregoing hand-delivered*/served**

this same date to:

The Honorable _____*
Judge of the Superior Court

Erin A. Gerlach**
gerlach.erina@gmail.com
*Respondent Pro Per*

By: /s/ Caitlin Andrade

# VERIFICATION

I, SHAWN T. FREEMAN, having first been duly sworn, upon my oath, depose and say:

1. I am the Petitioner in the foregoing action.

2. I have read the foregoing pleading and know the contents thereof.

3. The matters alleged in the foregoing are true, except those things contained therein stated upon information and belief and, as to those, I believe them to be true.

Shawn T. Freeman

SUBSCRIBED AND SWORN to before me this 6th day of September, 2022.

Notary Public / Deputy Clerk

My Commission Expires:

10/14/2022

OFFICIAL SEAL
TRAVIS DANGERFIELD
NOTARY PUBLIC-ARIZONA
MARICOPA COUNTY
Comm. # 554311 Expires October 14, 2022

# Exhibit A

# STATE OF ARIZONA
## CERTIFICATION OF VITAL RECORD

ORIGINAL
STATE COPY

STATE OF ARIZONA
DEPARTMENT OF HEALTH SERVICES-BUREAU OF VITAL RECORDS
**CERTIFICATE OF LIVE BIRTH**

State File Number
102-2018-009850

| 1. CHILD'S NAME (FIRST, MIDDLE, LAST, SUFFIX) | | | | |
|---|---|---|---|---|
| BROOKLYN, JORDAN, FREEMAN | | | | |
| 2. SEX | 3A. PLURALITY | 3B. IF MULTIPLE BIRTH (SPECIFY) | 4A. DATE OF BIRTH (MONTH, DAY, YEAR) | 4B. TIME OF BIRTH |
| FEMALE | SINGLE | | 02/12/2018 | 2:03 PM |
| 5A. PLACE OF BIRTH (CITY OR TOWN AND COUNTY) | | | | |
| GILBERT, MARICOPA | | | | |
| 5B. PLACE OF BIRTH | | | | |
| HOSPITAL | | | | |
| 5C. FACILITY NAME (IF NOT A FACILITY, STREET ADDRESS) | | | | |
| MERCY GILBERT MEDICAL CENTER | | | | |
| 6. FATHER'S NAME (FIRST, MIDDLE, LAST, SUFFIX) | | | | |
| SHAWN, TYLER, FREEMAN | | | | |
| 7. DATE OF BIRTH (MONTH, DAY, YEAR) | | | 8. PLACE OF BIRTH (STATE, US TERRITORY OR FOREIGN COUNTRY) | |
| 12/04/1984 | | | IDAHO | |
| 9. MOTHER'S NAME PRIOR TO FIRST MARRIAGE (FIRST, MIDDLE, LAST, SUFFIX) | | | | |
| ERIN, ANNA, GERLACH | | | | |
| 10. DATE OF BIRTH (MONTH, DAY, YEAR) | | | 11. PLACE OF BIRTH (STATE, US TERRITORY OR FOREIGN COUNTRY) | |
| 10/14/1988 | | | MICHIGAN | |
| 12A. MOTHER'S USUAL RESIDENCE ADDRESS (CITY OR TOWN, STATE, COUNTY, ZIP) | | | | |
| SAN TAN VALLEY, ARIZONA, PINAL, 85143 | | | | |
| 12B. STREET ADDRESS AT TIME OF CHILD'S BIRTH | | | | |
| 1264 WEST DESERT HOLLOW DR | | | | |

Date Registered: 02/19/2018

Date Issued: 09/19/2018

VS-21 Rev. 11/2016

J0707881

This is a true certification of the facts on file with the Arizona Department of Health Services, Bureau of Vital Records, PHOENIX, ARIZONA.
Revised 07/2016

Krystal Colburn
KRYSTAL COLBURN
ASSISTANT STATE REGISTRAR

This copy not valid unless prepared on a form displaying the State Seal and impressed with the raised seal of the issuing agency.

ARIZONA DEPARTMENT OF HEALTH SERVICES

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE